

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 15.02.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice J.A.K.SAMPATHKUMAR

Habeas Corpus Petition No.105 of 2006

Navaneetham Petitioner

vs.

1.The Sub Inspector of Police,
B-2 Taluk Police Station,
Thiruvallore.

2.The Sub Inspector of Police,
All Women Police Station,
Thiruvallore.

3.Subramani

4.Ashok Kumaar

5.Santhi

... Respondents

Petition under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus to direct respondents 1 and 2 to produce the petitioner's father Gopal from the illegal custody of the respondents 3 to 5 and set him at liberty and produce him before this Court.

For Petitioner : Mr.R.Karunakaran
For Respondents : Mr.Abudhukumar Rajarathinam
Govt. Advocate (Crl. Side)

Mr.V.Parthiban, Advocate Commissioner

O R D E R

(Order of the Court was made by P.SATHASIVAM, J.)

The petitioner, viz., Navaneetham claiming to be the daughter of the detenu by name Gopal, has filed this petition for direction to the respondents for production of her father, since according to her, he is in illegal custody of respondents 3 to 5.

2. Pursuant to the direction, respondents 1 and 2 brought the detenu before us. According to the counsel for the petitioner, the detenu is aged about 80 and therefore, we appointed Mr.V.Parthiban, Member of the bar, to enquire and ascertain the wish of the detenu.

3. Pursuant to our direction, in the presence of the counsel for the petitioner and others as well as the learned Government Advocate, the Commissioner has put the following questions to the detenu and recorded the answers, which forms part and parcel of the record, are as hereunder:

1. உங்களை யாராவது அடைத்து வைத்துள்ளார்களா?
இல்லை.

2. உங்களை விருப்பம் போல போக அனுமதிக்கிறார்களா?
இல்லை.

3. நீங்கள் இப்பொழுது யார் கூட போக விரும்புகிறீர்கள்?
Unable to answer.

4. The Commissioner has also intimated this Court that because of the age, the detenu is not in a position to answer to the pertinent question that with whom he wants to live. It is brought to our notice that as on date, the detenu is living with his another son by name Ravi, who is residing at No.874, Pethenia, Ekkadu Village, Thiruvallur District.

5. While hearing the above matter, the detenu was also brought before us in a wheel chair. We noted that he is unable to understand what is happening outside.

6. Considering all the above factual position as well as his old age and of the fact that as on date he is living with one of his son viz., Ravi, we are of the view that the same cannot be considered as illegal detention. In such circumstances, we are unable to accept the stand taken by the petitioner. It is made clear that the detenu is free to decide and live with anyone of his family members.

7. With the above observation, the Habeas Corpus petition is dismissed.

raa

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The Sub Inspector of Police, B-2 Taluk Police Station, Thiruvallore.

2.The Sub Inspector of Police, All Women Police Station, Thiruvallore.

3.The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr.R. Karunagaran, Advocate SR No.6911

AK(CO)

SR/21.2.2006

सत्यमेव जयते

H.C.P.No.105 of 2006

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